

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MARK A. GRANT,

Plaintiff,

v.

LUIS MARTINEZ, *et al.*,

Defendants.

Case No. 2:20-cv-01963-TLN-JDP (PS)

FINDINGS AND RECOMMENDATIONS
THAT THIS ACTION BE DISMISSED FOR
FAILURE TO PROSECUTE AND FAILURE
TO COMPLY WITH COURT ORDERS

OBJECTIONS DUE WITHIN FOURTEEN
DAYS

I previously issued an order (1) setting an initial scheduling conference for February 16, 2023, and (2) directing the parties to file status reports no later than February 2, 2023. ECF No. 49. Defendants timely submitted a report. ECF No. 50. Plaintiff, however, failed to file his status report. Accordingly, on February 14, 2023, I continued the scheduling conference to March 16, 2023, and ordered plaintiff to show cause why sanctions should not be imposed based on his failure to file a status report. ECF No. 51. I also directed plaintiff to file a status report by March 2, 2023, and warned him that failure to comply with that order could result in a recommendation that this action be dismissed for lack of prosecution and failure to comply with court orders. *Id.*

1 The deadline has passed, and plaintiff has not filed a status report or otherwise responded
2 to the February 14, 2023 order to show cause. Accordingly, it is hereby ORDERED that the
3 March 16, 2023 initial scheduling conference is vacated.

4 Further, it is RECOMMENDED that:

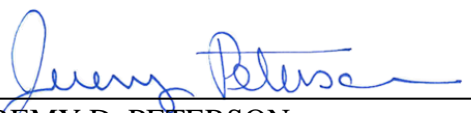
5 1. This action be dismissed for failure to prosecute and failure to comply with court
6 orders.

7 2. The Clerk of Court be directed to close the case.

8 These findings and recommendations are submitted to the United States District Judge
9 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days
10 after being served with these findings and recommendations, any party may file written
11 objections with the court and serve a copy on all parties. Such a document should be captioned
12 “Objections to Magistrate Judge’s Findings and Recommendations.” Any response to the
13 objections shall be served and filed within fourteen days after service of the objections. The
14 parties are advised that failure to file objections within the specified time may waive the right to
15 appeal the District Court’s order. *Turner v. Duncan*, 158 F.3d 449, 455 (9th Cir. 1998); *Martinez*
16 *v. Ylst*, 951 F.2d 1153 (9th Cir. 1991).\

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18 IT IS SO ORDERED.

19 Dated: March 14, 2023

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21 JEREMY D. PETERSON
22 UNITED STATES MAGISTRATE JUDGE
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